

Message Text

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PAGE 01 BRUSSE 12566 211241Z
ACTION TRSE-00

INFO OCT-01 EUR-12 ISO-00 L-03 H-01 PA-01 PRS-01 ITC-01
SS-15 NSC-05 XMB-02 SSO-00 NSCE-00 USIE-00 INRE-00
AID-05 CEA-01 CIAE-00 COME-00 EB-07 FRB-03 INR-07
NSAE-00 CIEP-01 SP-02 STR-04 LAB-04 SIL-01 OMB-01
/078 W

----- 079675 /43

O R 211206Z DEC 76
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC IMMEDIATE 8668
INFO AMEMBASSY BONN
AMEMBASSY LONDON
USMISSION EC BRUSSELS

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PASS TREASURY (DEPUTY ASST. SECRETARY SUCHMAN)

E.O. 11652: N/A
TAGS: ETRD, BE
SUBJECT: COUNTERVAILING DUTY LITIGATION - FLOAT GLASS FROM BELGIUM

REF: STATE 299873 (NOTAL)

1. BELGIAN FOREIGN MINISTRY INFORMED US THIS MORNING THAT IT HAS SENT AN INSTRUCTION TO ITS EMBASSY IN WASHINGTON ASKING THAT IT INFORM TREASURY OF DECISION ON THE DEMARCHE ON FLOAT GLASS CASE MADE REFTEL. IN BRIEF, THE BELGIANS PROPOSE A COMBINATION OF OPTIONS 1 DN 2. THEY AGREE TO GIVING THE ENTIRE FILE ON THE CASE WITH NO CHANGES OR LIMITATIONS TO THE JUDGE UNDER PROTECTIVE ORDER (OPTION 1). AT THE SAME TIME, THEY WOULD AUTHORIZE ACCESS BY THE PLAINTIFFS' LAWYER IN CAMERA UNDER PROTECTIVE ORDER TO (A) THE COMPLETE TEXTS OF ALL OFFICIAL NOTES AND SUBMISSIONS OF THE BELGIAN GOVERNMENT; (B) THE BELGIAN COMPANIES' SUBMISSIONS, BUT WITH LIMITED OFFICIAL USE

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CERTAIN VALUE INFORMATION ON PRICES AND REGIONAL DEVELOPMENT AID OBLITERATED.

2. MFA IS POUCHING DETAILED TEXTS TO THE BELGIAN EMBASSY, WASHINGTON, TODAY, SHOWING EXACTLY WHICH PORTIONS OF THE COMPANIES' SUBMISSIONS MUST BE OBLITERATED. IT SHOULD BE

AVAILABLE TO TREASURY BY THE AFTERNOON OF DECEMBER 22. THE BELGIANS UNDERSTAND THAT THE GERMANS ARE TAKING THE SAME POSITION.

3. MFA OFFICIAL BUYASSE EXPRESSED HIS REGRET THAT INTERNAL CONSIDERATION OF THIS PROBLEM HAD TAKEN SO LONG. HE SAID THAT THE MFA HAD ARGUED FOR SIMPLE ACCEPTANCE OF OPTION 2, BUT THAT BOTH THE MINISTRY FOR ECONOMIC AFFAIRS (MEA) AND THE COMPANIES RESISTED ANY CONCESSIONS, PARTICULARLY UNDER THE TIGHT TIME CONSTRAINTS IMPOSED BY THE US CUSTOMS COURT SCHEDULE. BUYASSE ADDED THAT THE MEA'S AND COMPANIES' OBJECTION TO OPTION 2 IS FOUNDED MAINLY ON PRINCIPLE. THE COMPANIES ARE RELUCTANT TO PROVIDE ALL THEIR DATA TO THE PLAINTIFFS' LAWYER EVEN UNDER PROTECTIVE ORDER-- AND THEY FEAR PRESSURE TO MAKE STILL GREATER CONCESSIONS ON DISCLOSURE IN THE FUTURE IF COURT PROCEEDINGS DRAG ON. THE MEA APPARENTLY BELIEVES THAT A DISCLOSURE DECISION WHICH IS TOO FORTHCOMING IN THIS CASE COULD SET A DIFFICULT PRECEDENT FOR THE HANDLING OF OTHER US INDUSTRY TRADE COMPLAINTS. AS BUYASSE POINTS OUT, ALL THIS REFLECTS GENERAL, CONTINUING, AND NOT ALWAYS WELL-FOCUSED CONCERN IN BOTH THE BELGIAN GOVERNMENT AND PRIVATE SECTOR OVER FUTURE IMPLEMENTATION OF USG AND US JUDICIARY PROCEDURES SET UP BY THE 1974 TRADE ACT. THE BELGIANS CONSEQUENTLY BELIEVE AT THIS TIME THAT VERY TIGHT LIMITATIONS SHOULD CONTINUE TO BE IMPOSED ON ANY SUCH USE OF RESTRICTED BELGIAN BUSINESS DATA. ALTHOUGH THEY WILL AGREE TO RECONSIDER THEIR POSITION IF THEIR OFFER FAILS IN THE COURT, BUYASSE SAID HE WAS DOUBTFUL THAT THERE IS MUCH, IF ANY, MORE ROOM FOR FALLBACK. RENNER

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